

Application Number 10/756,960
Response to Office Action mailed July 21, 2008

REMARKS

This communication is responsive to the Final Office Action dated July 21, 2008. Applicant has made no amendments to the claims by way of this communication. Claims 1-55 remain pending.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-3, 6-9, 12-15, 17-19, 22-25, 28-31, 33-34, 36-41, 43-46, 49, 50, 52, 53 and 55 under 35 U.S.C. § 103(a) as being unpatentable over Tanner et al. (US 2005/0114315, hereinafter "Tanner") in view of Boyle et al. (US 2003/0070063, hereinafter "Boyle"). In the Final Office Action, the Examiner also rejected claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Tanner in view of Boyle and further in view of Gerraty et al. (US 7,233,975) and rejected claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Tanner in view of Boyle and further in view of Slaby (6,587,124). Applicant respectfully traverses the rejections.

Claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54

As a preliminary matter, Applicant notes that Gerraty et al. is disqualified under 35 U.S.C. § 103(c) from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the present application. Specifically, Gerraty et al. qualifies as prior art to the present application only under section 35 U.S.C. § 102(e). Gerraty et al. has an effective priority date of August 19, 2002 and published on June 19, 2007, after the January 13, 2004 filing date of the present application. Further, Applicant submits that, at the time the presently claimed invention was made, Gerraty et al. and the claimed invention were owned by the same entity, or subject to a common obligation of assignment to the same entity, i.e., Juniper Networks, Inc. Therefore, the rejection of claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54 under 35 U.S.C. § 103(a) is improper. Applicant respectfully requests that the Examiner either allow claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54 or provide a new rejection of those claims.

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Claims 1-3, 6-9, 12-19, 22-25, 28-34, 36-41, 43-46, 49, 50, 52, 53 and 55

Applicant has focused on the requirements of the independent claims 1, 17, 33, 40, 46, and 53 for purposes of conciseness. In so doing, Applicant in no way admits or acquiesces in the propriety of the Office Action in regard to interpretation of the prior art or any of the additional limitations set forth in the various claims, including the limitations of the dependent claims.

Applicant's independent claim 1 recites locking candidate configuration data in response to a command from a client to grant an archive system exclusive access to the candidate configuration data of a network device and lock the candidate configuration data so that no other clients can edit the candidate configuration data. Claim 1 requires that the candidate configuration data represents an editable working copy of current operational configuration data of the network device. Claim 1 also recites loading, from the archive system, archived configuration data that represents previous operational configuration data of the network device to replace the locked candidate configuration data. Additionally, claim 1 recites committing the candidate configuration data to restore the archived configuration data as the operational configuration data of the network device.

In the Final Office Action, the Examiner characterized paragraphs [0058] and [0059] of Tanner as disclosing locking candidate configuration data in response to a command from a client and committing the candidate configuration data as the operational configuration data of the network device. The Examiner acknowledged that Tanner fails to disclose an archive system obtaining loading archived configuration data from the archive system to replace the locked candidate configuration data. To satisfy these shortcomings, the Examiner relied on paragraph [0026] of Boyle. Applicant respectfully disagrees with the Examiner's characterization of Tanner in view of Boyle.

Tanner describes an approach for managing network device configuration data.¹ In particular, Tanner describes a client obtaining a lock on the configuration data or portion of the configuration data (e.g., functional area).² The client that obtained the lock edits the locked configuration data to generate updated configuration data.³ The updated configuration data of

¹ Tanner at Abstract.

² Tanner at [0058].

³ Tanner at [0046].

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Tanner is provided to a network device, which implements the updated configuration data and begins to operate in accordance with the updated configuration data.⁴

The second reference used in the section 103 rejection, Boyle, describes a system in which a provisioning server couples a central server to multiple cable modems.⁵ The provisioning server stores last known configuration files for each of the cable modems.⁶ If the central server is unavailable, the provisioning server consults a locally stored data file of last known configuration files for the access devices, and retrieves the last known configuration file for the particular access device.⁷ Boyle, however, fails to overcome the deficiencies of Tanner.

For example, neither Tanner nor Boyle teach or suggest locking candidate configuration data to grant an archive system exclusive access to the candidate configuration data of a network device, as recited in Applicant's claim 1. As described in Applicant's Amendment dated April 10, 2008, Tanner describes locking the configuration data to give an actual client exclusive editing capabilities, not an archive system. Further, even modification of Tanner in view of the teachings of Boyle would still not achieve these elements of claim 1. Like Tanner, Boyle fails to teach or suggest providing the archive system exclusive access to the candidate configuration data of the network device (i.e., an editable working copy of current operational configuration data of the network device). First, to the extent the provisioning server of Boyle can be viewed as an archive system, the provisioning server does not operate as a client of the access device so as to be able to exclusively lock the configuration data of that device. Quite the contrary, the provisioning server is servicing requests from the access device to retrieve an initial configuration. In Boyle, the provisioning server would by no means be granted exclusive access to the candidate configuration data of the access device and lock the candidate configuration data so that no other clients can edit the candidate configuration data. As such, even modification of Tanner in view of Boyle as suggested by the Examiner would fail to achieve Applicant's claim 1.

Second, the access device of Boyle does not even have any current operational configuration data that can be locked since the access device is attempting to access the central

⁴ Tanner at [0046].

⁵ Boyle at [0025].

⁶ Boyle at [0025] and [0032].

⁷ Boyle at [0026].

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server to obtain initial configuration data (e.g., during a reboot). Thus, in Boyle, at the time the provisioning server is utilized, the access device does not yet even store any candidate configuration data that can be locked. There is simply no need to grant the provisioning server an exclusive lock. Thus, there would be no rational reason to modify Tanner in view of Boyle to provide a system in which an archive system operates as a client that has a lock on the candidate configuration data.

Applicant's independent claims 17 and 46 each require locking the candidate configuration data, loading archived configuration data that represents previous operational configuration data of the network device to replace the locked candidate configuration data, and committing the candidate configuration data to restore the archived configuration data as the operational configuration data of the device. Therefore, for at least the reasons described above with respect to independent claim 1, Tanner in view of Boyle fails to disclose or suggest each and every feature of claim 17 and 46.

Likewise, Tanner in view of Boyle fails to disclose or suggest each and every feature of independent claims 33, 40 and 53. For example, neither of the references alone or in combination discloses or suggests an archive system that includes a memory to store archived configuration data that represents previous operational configuration data of a network device and a computing device to issue a lock command to lock candidate configuration data, issue a load command to load the archived configuration data to replace the locked candidate configuration data, and issue a commit command to commit the candidate configuration data to restore the archived configuration data as the operational configuration data of the network device, as recited in Applicant's independent claim 40.

As described above, Tanner describes locking the configuration data to give a client exclusive editing capabilities, not an archive system. Boyle fails to teach or suggest providing the archive system exclusive access to the candidate configuration data of the network device (i.e., an editable working copy of current operational configuration data of the network device). As such, modification of Tanner in view of Boyle would fail to achieve the elements of Applicant's claim 40. In fact, the access device of Boyle does not have any current operational configuration data to lock since the access device is attempting to access the central server to obtain initial configuration data (e.g., during a reboot). Moreover, there would be no rational

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reason to modify Tanner in view of Boyle to provide a system in which an archive system operates as a client that has a lock on the candidate configuration data.

For at least these reasons, Tanner in view of Boyle fails to disclose or suggest the features of independent claims 1, 17, 33, 40, 46 and 53. Therefore, the Examiner has failed to establish a prima facie case for anticipation of Applicant's claims 1-3, 6-9, 12-15, 17-19, 22-25, 28-31, 33-34, 36-41, 43-46, 49, 50, 52, 53 and 55 under 35 U.S.C. §103(a). Applicant respectfully request withdrawal of this rejection.

Rejection for Obviousness-type Double Patenting

The Examiner provisionally rejected claims 1, 17, 33, 40, 46 and 53 under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claim 41 of copending Application No. 10/223,813 and claim 1 of copending Application No. 10/339,719. Applicants note the provisional status of this rejection. Accordingly, Applicants will address this issue if and when the rejection is formally applied.

CONCLUSION


All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

September 22, 2008

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